

Calendar No. 198

110TH CONGRESS } 1st Session }	SENATE	{ REPORT 110-81
-----------------------------------	--------	-----------------------

TO MAKE TECHNICAL CORRECTIONS TO SAFETEA-LU

JUNE 13, 2007.—Ordered to be printed

Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, submitted the following

R E P O R T

[To accompany S. 1611]

The Committee on Banking, Housing, and Urban Affairs, which considered an original bill (S. 1611) to make technical corrections to SAFETEA-LU and other related laws relating to transit, having considered the same, reports favorably thereon and recommends that the bill do pass.

INTRODUCTION

On May 16, 2007, the Senate Committee on Banking, Housing, and Urban Affairs considered an original bill to make technical corrections to SAFETEA-LU and other related laws relating to transit. No amendments were offered, and the Committee passed the bill by voice vote.

PURPOSE OF THE LEGISLATION

The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) became law on August 10, 2005. The Banking Committee has jurisdiction over Title III of SAFETEA-LU, dealing with public transportation. SAFETEA-LU as passed contained various drafting errors and other oversights. The purpose of this legislation is to correct errors in Title III as well as to clarify Congressional intent with regard to certain legislative provisions and project designations in that title and in the transit title of TEA-21, SAFETEA-LU's predecessor, so that the Federal Transit Administration can implement the transit program as Congress intended. The legislation allows certain TEA-21 outlays to be made during the 2008–2012 time period, and authorizes no new budget authority.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Subsection (a). Reinserts the word “sightseeing” into the list of items excluded from the definition of public transportation. This word was inadvertently dropped during drafting of SAFETEA–LU.

Subsection (b). Clarifies that certain requirements for a transportation improvement program apply to identified phases of a project as well as to complete projects, and removes an extraneous phrase from a subsection related to transportation management areas.

Subsection (c). Changes “mass transportation” to “public transportation” to be consistent with a change made throughout Chapter 53 of Title 49, United States Code, in SAFETEA–LU. Also corrects a cross-reference.

Subsection (d). Corrects a paragraph heading and a cross reference.

Subsection (e). Clarifies that state administrative expenses are not subject to matching requirements under the rural formula program, consistent with current Federal Transit Administration practice. Also corrects a cross reference.

Subsection (f). Changes “mass transportation” to “public transportation” to be consistent with a change made throughout Chapter 53 of Title 49, United States Code, in SAFETEA–LU.

Subsection (g). Corrects a cross reference.

Subsection (h). Corrects a cross reference.

Subsection (i). Names the transit in parks program after its author, Senator Paul S. Sarbanes, corrects a cross reference, and clarifies that the Federal Transit Administration can transfer funds to appropriate federal land management agencies to help administer the program.

Subsection (j). Corrects a cross reference.

Subsection (k). Clarifies that architectural, engineering, and design contracts can be awarded under a State qualifications-based requirement if the State requirement was adopted before enactment of SAFETEA–LU, but that certain other federal requirements continue to apply to such contracts. The application of other federal requirements was ambiguous in SAFETEA–LU.

Subsection (l). Corrects cross references and subsection numbering.

Subsection (m). Updates authorization for fixed guideway modernization program from TEA–21’s fiscal years to SAFETEA–LU’s fiscal years.

Subsection (n). Corrects a cross reference.

Subsection (o). Corrects a mathematical error in the obligation ceiling. Corrects or clarifies project designations in the alternatives analysis, new starts, bus discretionary, and research programs. Provides that small starts projects which are recommended by the Federal Transit Administration for funding or a project construction grant agreement in FY2008 and FY2009 are authorized to receive such funding or agreement. Clarifies Congressional intent regarding the role of the Department of Transportation in resolving issues related to a commuter rail extension. Specifies additional factors the Secretary may take into account when evaluating the local match for the extension of certain light rail lines.

Subsection (p). Modifies allowable uses of funds under the TEA–21 Advanced Propulsion Control System program.

COMPLIANCE WITH S. 1, THE LEGISLATIVE TRANSPARENCY AND
ACCOUNTABILITY ACT OF 2007

The Banking Committee is complying with the disclosure and certification requirements of S. 1, the Legislative Transparency and Accountability Act of 2007. Although that legislation has not yet been enacted, the Committee believes that complying with S. 1 as passed by the Senate has the potential to avoid disruption in the rapid completion of the SAFETEA-LU technical corrections legislation should S. 1 or similar legislation become law. It is not clear whether the definition of “congressional earmark” under S. 1 applies to technical corrections to SAFETEA-LU projects. However, in the interest of full disclosure and transparency, the Committee provides the following list identifying the requester of each project-related provision. Consistent with Senate Rule XXXVII(4) and S. 1, each requester has submitted to the Committee a letter certifying that neither the requester nor his or her spouse, if applicable, has a pecuniary interest in the project or projects that are the subject of the request.

Section	Project	Requester(s)
(o)(1)	Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and inter-modal terminals in Albuquerque and Santa Fe.	Bingaman, Domenici
(o)(3)(A)	LOSSAN Rail Corridor Improvements	Boxer
(o)(3)(B)	San Diego Transit	Boxer
(o)(3)(C)	Los Angeles—Exposition LRT	Boxer
(o)(3)(D)	Boston-Silver Line Phase III	Kennedy, Kerry
(o)(4)(A)	Central Arkansas Transit Authority Bus Acquisition	Lincoln, Pryor
(o)(4)(B)	PACE, IL Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis.	Obama
(o)(4)(C)	Transportation Center Enhancements, Corning, NY	Clinton, Schumer
(o)(4)(D)	Bus and Bus Facilities (Gulf Shores, AL)	Shelby
(o)(4)(E)	Gartina Highway Bus Stops (Hoonah, AK)	Stevens, Murkowski
(o)(4)(F)	Maine DOT Acadia Intermodal Passenger and Maintenance Facility	Snowe, Collins
(o)(5)	DaVinci Center in Allentown, PA	Casey, Specter
(o)(6)	South County Commuter Rail (Rhode Island)	Reed
(o)(7)(A)	Los Angeles—Exposition LRT	Boxer, Feinstein
(o)(7)(B)	San Gabriel Valley—Gold Line Foothill Extension Phase I/Phase II, Los Angeles to Montclair.	Boxer
(p)	Silverliner IV Regional Rail Cars	Casey, Specter

REGULATORY IMPACT STATEMENT

The legislation does not require the promulgation of any new regulations.

CHANGES IN EXISTING LAW (CORDON RULE)

On May 16, 2007, the Committee unanimously approved a motion by Chairman Dodd to waive the Cordon Rule. Thus, in the opinion of the Committee, it is necessary to dispense with the requirements of section 12 of rule XXVI of the Standing Rules of the Senate in order to expedite the business of the Senate.

COST ESTIMATE

MAY 24, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs,
United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for a bill to make technical corrections to SAFETEA-LU and other related laws relating to transit.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

PETER R. ORSZAG.

Enclosure.

A bill to make technical corrections to SAFETEA-LU and other related laws relating to transit

The legislation would make several changes to the current authorization for transit programs authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59), known as SAFETEA-LU. The bill would affect direct spending by amending the authorization for a specific project that CBO expects would not be completed under current law. CBO estimates that enacting the bill would increase direct spending by \$4 million over the 2008-2012 period. Enacting the bill would not affect revenues. CBO estimates that enacting the bill would not significantly increase spending subject to appropriation. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no cost on state, local, or tribal governments.

The bill also would revise the authorization for a transit project located within the Southeastern Pennsylvania Transit Authority (SEPTA) rail system near Philadelphia, Pennsylvania, that was previously authorized by the Transportation Equity Act for the 21st Century (Public Law 105-85). Based on information from the Federal Transit Administration and representatives of SEPTA, CBO expects that the funds available for this project will not be spent under current law because the technology authorized in the original project is incompatible with the current rail system. The bill would authorize those funds to be used for a different rail project within the SEPTA system. Therefore, CBO estimates that this provision would result in an increase in spending of \$4 million over the 2008-2012 period.

On March 21, 2007, CBO provided an estimate for H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes, as ordered reported by the House Committee on Transportation and Infrastructure on March 1, 2007, with a subsequent amendment transmitted to CBO on March 19, 2007. Some of the provisions in H.R. 1195 are contained in this bill. The differences between the bills are reflected in CBO's cost estimates.

The CBO staff contact for this estimate is Sarah Puro. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

